

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**[PROPOSED] ORDER GRANTING
DEFENDANTS' RULE 50(A)
MOTION FOR JUDGMENT AS A
MATTER OF LAW**

[PROPOSED] ORDER

Pending before this Court is Defendants Rimini Street, Inc.'s and Seth Ravin's Rule 50(a) Motion for Judgment as a Matter of Law. Having considered the motion and opposition, all related filings, and the record before the Court,

IT IS HEREBY ORDERED THAT: Judgment as a matter of law in favor of Rimini pursuant to Federal Rule of Civil Procedure 50(a) should be granted on all claims and theories alleged by Oracle, including:

- (1) Oracle International Corporation's claim for copyright infringement, as there is no legal or evidentiary basis on which the jury could find liability or damages on this claim;
- (2) Oracle America and Oracle International Corporation's claims under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims;
- (3) Oracle America and Oracle International Corporation's claims under the California Computer Data Access and Fraud Act, California Penal Code § 502, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims;
- (4) Oracle America and Oracle International Corporation's claims under Nevada Revised Statute § 205.4765, as there is no legal or evidentiary basis on which the jury could find

liability or damages on these claims;

- (5) Oracle America's claim for breach of contract, as there is no legal or evidentiary basis on which the jury could find liability or damages on this claim;
- (6) Oracle America's claim for inducing breach of contract, as there is no legal or evidentiary basis on which the jury could find liability or damages on this claim;
- (7) Oracle America and Oracle International Corporation's claims for intentional interference with prospective economic advantage, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims;
- (8) Oracle America and Oracle International Corporation's claims for unfair competition, California Business & Professions Code § 17200, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims;
- (9) Oracle America's claim for trespass to chattels, as there is no legal or evidentiary basis on which the jury could find liability or damages on this claim;
- (10) Oracle America and Oracle International Corporation's claims for unjust enrichment and restitution, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims;
- (11) Oracle America and Oracle International Corporation's claims for unfair practices, California Business & Professions Code § 17000, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims; and
- (12) Oracle America and Oracle International Corporation's claims for an accounting, as there is no legal or evidentiary basis on which the jury could find liability or damages on these claims.

This motion is based upon this notice, the attached memorandum of points and authorities, all pleadings, files and records in this action, all testimony and evidence admitted at trial, and on such further argument and evidence as the Court may consider. Rimini reserves the right to supplement its motion up to and until the case is submitted to the jury. *See* Fed. R. Civ.

P. 50(a) (motion “may be made at any time before the case is submitted to the jury”).

IT IS SO ORDERED.

DATED:

By: _____
Hon. Larry R. Hicks
United States District Judge